

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

WENDELL JASON FLUELLEN

No. 3:10-00234

CHIEF JUDGE HAYNES

JOINT MOTION TO WAIVE THE FEBRUARY 14 REVOCATION HEARING
AND TO MODIFY CONDITIONS OF SUPERVISION

After consultation with defendant Fluellen's probation officer, the parties jointly request that the Court cancel the February 14, 2014 revocation hearing and modify the conditions of supervised release as set forth below. In support of this motion, counsel would show the following:

1. Mr. Fluellen served a total of 24 months in prison and began his three year term of supervised release on December 4, 2012.

2. In the original Judgment, as a special condition of supervised release, the Court ordered Mr. Fluellen to participate in any recommended treatment protocols resulting from Mr. Fluellen's participation in treatment at the Bureau of Prisons. (D.E. 52, Judgment). However, apparently due to a delay in the BOP designation process, Mr. Fluellen served out his sentence at Grayson County Regional Jail, never reached the Bureau of Prisons, and never had an opportunity to participate in substance abuse treatment or mental health counseling at the Bureau of Prisons. Thus, the Bureau of Prisons had no recommended treatment protocols for the term of supervised release.

3. Both parties have consulted U.S. Probation Officer Eric Illarmo, who believes that Mr. Fluellen would benefit from substance abuse treatment and mental health counseling. However, the special conditions of supervised release currently do not specifically authorize substance abuse treatment or mental health counseling.

Overruled
Termination
is GRANTED
Counsel
on the
Prison
15 day
to file on
agreed
Order
reflecting
the agreed
modification
2-6-14